## UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ELIZABETH C. SNIDER, Individually and as Executrix of the Estate of DANIEL:
A. SNIDER, and LEE W. SNIDER, a : minor, by his mother, ELIZABETH C. : SNIDER,

CIVIL ACTION

Plaintiffs,

: No. 2:13-cv-02949-JCJ

V.

:

STERLING AIRWAYS, INC., et al.,

:

Defendants.

:

## CURATIVE INSTRUCTION ON NON-ECONOMIC DAMAGES

Continental Motors, Inc. moves for a curative instruction to ameliorate statements made by plaintiffs' counsel in closing argument in violation of this Court's rulings. Pursuant to Pennsylvania law, the Court held yesterday that plaintiffs cannot recover non-economic damages for grief or emotional loss experienced by Elizabeth or Lee Snider. (2/14/17 at 3:6-10). In clear violation of that ruling, plaintiffs' counsel then argued to the jury:

But then there's non-economic damages, which includes everything that goes into the **hurt and the pain and the loss from an emotional standpoint**, to when a woman like Liz loses a partner that's extraordinarily hard.

(*Id.* at 81:4-8 (emphasis added)). Accordingly, CMI requests that the following curative language be incorporated into the Court's jury instruction on damages:

No matter what you heard from counsel in closing arguments, you must limit noneconomic damages to those specified in this instruction. To clarify, you may not award a wife and child any damages for emotional anguish and grief suffered from the loss of a husband and father because such damages are not available under Pennsylvania law.

Respectfully Submitted,

By:

Leigh Woodruff

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## **CERTIFICATE OF SERVICE**

I, the undersigned, certify that on this date I caused a true and correct copy of the foregoing *CURATIVE INSTRUCTION ON NON-ECONOMIC DAMAGES* to be filed via the Official Court Electronic Document Filing System, and that said documents are therefore available for viewing and downloading from the ECF system. By virtue of this filing, service is complete upon receipt of the Court's e-mail notification of the Notice of Electronic Filing for the following Electronic Case Filing Users:

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DATED: February 14, 2017 /s/ Leigh Woodruff